IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1732 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19-6-2001 in WP NO 26409 OF 1995 on the file of the High Court.)

Between:

1. The Director General of School Education, A.P., Hyderabad.

2. The District Educational Officer, Medak at Sangareddy.

..... APPELLANTS

AND

1. Miss. N. Sulakshini, working as Record Ast. Methodist Rural High School, Garden Nagar, Zaheerabad-502 220, Medak District.

2. Headmistress & Correspondent, Methodist Rural High School, Garden Nagar, Zaheerabad, Medak District.

3. Miss P.Lyman, Manager & Correspondent, Methodist Rural High School, Zaheerabad, Medak District.

.....RESPONDENTS

Counsel for the Appellant : GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.1: MR.M. SURENDER RAO

Counsel for the Second respondent : MR. CH. RAVINDER
Counsel for the third respondent : MR. N.C.DAS.

The Court made the following :

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ORDER: (Per the Honourable Smt. Justice T.Meenakumari)

This writ appeal is filed by the respondents-appellants herein aggrieved by the order in W.P. No: 26409 of 1995, under which the learned single Judge allowed the said writ petition.

The respondent herein is the writ petitioner whereas the appellants herein are respondents 1 and 2 in the writ petition. The learned single Judge having observed that both the official respondents as well as the management, having availed sufficient opportunity, failed to produce any evidence in support of their claim and in the absence of any evidence to show that the sisters of the petitioner were appointed on compassionate grounds, the contention of the respondents cannot be given any credence and as such, the District Educational Officer cannot find fault with the compassionate appointment of the petitioner given by the management, allowed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the official respondents l and 2-appellants herein.

Heard the learned counsel.

We have perused the order impugned and the entire material available on record. It is observed by the learned single Judge that when once two individuals, who are the sisters of the writ petitioner-1st respondent, were not appointed on compassionate grounds, the District Educational Officer cannot find fault with the compassionate appointment of the petitioner given by the management.

It is contended by the learned G.P. for school education that the Principal herself has appointed the 1st respondent on compassionate grounds for the death of her father in the year 1992 and that her two sisters were also appointed on compassionate grounds, but the learned single Judge has observed that no material has been placed to show that the two sisters have been appointed on compassionate grounds.

A perusal of the order of the learned single Judge reveals that no material has

been placed to arrive at the conclusion that two sisters of the 1st respondent have been appointed on compassionate grounds.

In this view of the matter, We are of the opinion that those two appointments cannot be made as a subject of the writ petition or this writ appeal.

It is further contended by the learned G.P. that the appointment of the 1st respondent shall be made by the Management, but the same was made by the Principal in the instant case, and, as such, the same is in violation of the Rules.

As could be seen from the proceedings of the Principal and the Correspondent, M.R.H. School, Zaheerabad, dated 31.7.1995, it is apparent that in pursuance of the resolution No:12, dated 12.6.1993 of the Board of Management and in terms of G.O.Ms.No:604, the 1st respondent was appointed with immediate effect as Record Assistant.

In view of the above proceedings, and in the absence of any material before this Court that the 1st respondent has been appointed by the Principal violating the Rules and in spite of the directions issued by the Management, the Principal has continued the 1st respondent by tampering with the records, We are of the considered view that it is purely a question of fact, which cannot be gone into in this writ petition or the writ appeal.

Even if it is assumed to be true that there is misconduct on the part of the Principal as alleged by the Management, no material is adduced before this Court or in the prior proceedings that any disciplinary action has been initiated against the said Principal. At this stage, it is submitted by the learned G.P. that the Principal has been continued in service and subsequently retired after completion of her service.

In the absence of any such material placed before this Court, We do not find any illegality or irregularity in the passed by the learned single Judge, and the same does not warrant any interference by this Court. Accordingly, this writ appeal is liable to be dismissed.

In the result, the Writ Appeal is dismissed confirming the order of the learned single Judge. No costs.

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Justice T.Meenakumari

Date : 16th December, 2004

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Justice B.Seshasayana Reddy

Dvs/Gurc.

To

1. The Director General of School Education, A.P., Hyderabad.
2. The District Educational Officer, Medak at Sangareddy
3. Headmistress & Correspondent, Methodist Rural High School, Garden Nagar, Zaheerabad, Medak District
4. Miss P.Lyman, Manager & Correspondent, Methodist Rural High School, Zaheerabad, Medak District.

5. Two CCs to the GP for School Education, High Court

Buildings, Hyderabad.(OUT)

6.Two CD

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.A.No: 1732 of 2001

(Judgment delivered by Smt.Justice T.Meenakumari)

16th December, 2004

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